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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/821,379	04/09/2004	Fred Alan Bishop	37355-239	1600
7590 Gilberto Hernandez McDermott, Will & Emery 227 West Monroe Chicago, IL 60606-5096				
EXAMINER				
BAYAT, BRADLEY B				
ART UNIT		PAPER NUMBER		
3621				
MAIL DATE		DELIVERY MODE		
01/24/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/821,379

**Applicant(s)**

BISHOP ET AL.

**Examiner**

Bradley Bayat

**Art Unit**

3621

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 5, 7-12 and 43-50 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 5, 7-12 and 43-50 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB06)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(c), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(c) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/24/2007 has been entered.

### ***Status of Claims***

As per the amendment submitted on October 24, 2007, claims 5, 7-10, 43, 45, 47 and 48 have been amended. Thus, claims 5, 7-12 and 43-50 remain pending.

### ***Response to Amendment***

Above recited amended claims rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The amendments refer to "editing each of said executable commands such that said executable commands will not be executed by the network server (response p. 5)" The Examiner has reviewed the disclosure but has not been able to find support for such amendments.

### ***Response to Arguments***

Applicant's arguments with respect to amended claims have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 5, 7-12 and 43-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Guheen et al. (hereinafter Guheen), US 6,473,794 B1 in view of Green et al. (hereinafter Green), US 5,913,024.**

**Claims 5-12**

5. Guheen discloses a method for protecting a network server from being used as the basis of an attack on a network client, the method comprising (column 43, lines 34-67; column 248, lines 38-45) and restricting access to said network server to a portion of said network server for at least a selected protocol (column 17, directory services; column 276, line 34-277, line 24). Guheen does not explicitly disclose scanning said portion of said network server for particular characters, said particular characters being associated with said selected protocol and removing said particular characters such that a security risk posed by said selected protocol is reduced.

Green, however, discloses a commerce server security system wherein attackers or external users are prevented from subverting the server and uploading an executable file (column 29, line 3 - column 30, line 43). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Guheen's network security system to include processes and data objects wherein regions of internal and external burbs associated with a

trusted commerce server can prevent harmful or unwanted characters to infiltrate and compromise a network, as per teaching of Green (column 5, line 52-column 7, line 55).

7. Guheen further discloses the method of claim 5, further comprising replacing particular characters within said executable commands (column 272, line 30-column 259, line 30).

8. Guheen further discloses the method of claim 5, wherein said executable commands include particular characters and said characters are hostile characters and wherein if a request contains any of said hostile characters, the request is rejected (column 273, lines 16-34; column 280, lines 19-39).

9. Guheen further discloses the method of claim 5, further comprising logging said executable commands to form a security log (column 266, lines 12-21, column 268, lines 20-36, column 286, lines 13-58).

10. Guheen further discloses the method of claim 9, further comprising reviewing said security log to determine whether said executable commands are hostile (column 43, line 34-column 44, line 8).

11. Guheen further discloses the method of claim 5, wherein said protection of the network server is accomplished during an electronic purchase transaction (column 251, lines 34-36).

12. Guheen further discloses the method of claim 11, wherein the electronic purchase transaction is conducted using a digital wallet (column 17, java wallet; column 261, lines 30-53).

**Claims 43-50**

43. Guheen discloses a computer-implemented method for protecting a network server from being used as the basis of an attack on a network client, the method comprising: a. receiving a request for a connection at said server from said network client (figure 87, 2613; receiving user indicia); d. verifying that any response from said network server to said network client is void of said particular characters (fig 88, 2700; allowing browser-based authentication with user verification data); and e. providing said response from said network server to said network client (fig 88, 2702; granting access to at least one of application and system data based on the user verification data).

Guheen does not explicitly disclose scanning said portion of said network server for particular characters, said particular characters being associated with said selected protocol and removing said particular characters such that a security risk posed by said selected protocol is reduced.

Green, however, discloses a commerce server security system wherein attackers or external users are prevented from subverting the server and uploading an executable file (column 29, line 3 - column 30, line 43). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Guheen's network security system to include processes and data objects wherein regions of internal and external burbs associated with a

trusted commerce server can prevent harmful or unwanted characters to infiltrate and compromise a network, as per teaching of Green (column 5, line 52-column 7, line 55).

44. Guheen further discloses the method of claim 43 further comprising restricting access to said network server for said protocol to said portion of said network server (column 17, directory services; column 276, line 34-277, line 24).

45. Guheen further discloses the method of claim 43 further comprising replacing particular characters within said executable commands with benign (column 272, line 30-column 259, line 30).

46. Guheen further discloses the method of claim 43 wherein said protocol comprises JavaScript (column 34, lines 10-60).

47. Guheen further discloses the method of claim 43 further comprising logging said executable commands to form a security log (column 266, lines 12-21, column 268, lines 20-36, column 286, lines 13-58).

48. Guheen further discloses the method of claim 47 further comprising reviewing said security log to determine whether said executable commands are hostile (column 273, lines 16-34; column 280, lines 19-39).

49. Guheen further discloses the method of claim 47 wherein said protection of the network server is accomplished during an electronic purchase transaction (column 251, lines 34-36).

50. Guheen further discloses the method of claim 49 wherein the electronic purchase transaction is conducted using a digital wallet (column 17, java wallet, and column 261, lines 30-53).

*Examiner has pointed out particular references contained in the prior arts of record in the body of this action for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the response, to consider fully the entire references as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner.*

#### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bradley Bayat whose telephone number is 571-272-6704. The examiner can normally be reached on Tuesday-Friday 8 a.m. - 6:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Fischer can be reached on 571-272-6779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Bradley Bayat/  
Primary Examiner, Art Unit 3621